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6 MAR 1978

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MEMORANDUM FOR: Director of Central Intelligence

FROM: John F. Blake  
Deputy Director for Administration

*Destruction of files*

SUBJECT: Records Destruction Policy

1. Action Requested: Approval of a Headquarters Notice establishing records destruction policy for CIA, and approval of a letter informing the House Select Committee on Assassinations of our intention to implement this policy.

2. Background:

a. The Agency has made two formal commitments in which we stated that we would not destroy records without the specific approval of two Congressional Committees conducting investigations involving CIA. One of these commitments has been fulfilled; the other has not. We wish to fulfill the second commitment now, so that we may proceed to destroy those records that have been approved for disposal by the Archivist of the United States. We have been accumulating these records for three years, and we are running out of space to store them. The continued possession by the Agency of several categories of records is in violation of the Privacy Act of 1974 and Executive Order 12036 and--once immediate disposition has been approved by the Archivist--the statutes and regulations which govern the maintenance and disposal of federal records. Furthermore, when we receive new search requirements under FOIA/PA, litigation, or investigations, we must consider those records that already have been authorized for disposal but have not been destroyed.

b. The first formal commitment was made by Director Bush in a letter to the Senate leadership dated 22 June 1976. In the letter Mr. Bush stated that we would submit our records control schedules to the Senate Select Committee on Intelligence for approval prior to destroying any records. This has been done, and many of the records listed have been reviewed by members of the SSCI staff. In a letter to SSCI Chairman Inouye dated 18 June 1977, you requested that he expedite the Committee's clearance of records for destruction. Finally, in a letter to you dated 21 December 1977, Senator Inouye noted the "moratorium" had expired and therefore we may return to normal records destruction policies.

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c. The second formal commitment was made by Director Bush in a letter to Chairman Downing of the House Select Committee on Assassinations dated 9 December 1976. In this letter Mr. Bush stated that we would make available to the Committee our records control schedules at the same time they were submitted to the SSCI, and that we would not destroy any records until the Committee notified the Agency that it had completed its review of the schedules and had no objection. When the Committee was first organized, records schedules were shown to Mr. Richard Sprague, then Staff Director. No action was taken due to the internal Committee turmoil leading to the termination of Sprague and a new Chairman, Representative Stokes. When we recently offered to submit the schedules, the Committee's present Chief Counsel and Director, G. Robert Blakey, stated they were in the peak of their review of CIA files and suggested we postpone further action on this matter for 6 weeks. He did, however, express his willingness to cooperate with the Agency at that time.

d. We are now caught in a dilemma. On the one hand, we are legally required to implement the disposition instructions by the Archivist. On the other hand, we are committed to refrain from implementing the instructions until notified by the HSCA. We must take affirmative action to resolve this dilemma.

STAT e. The records destruction policy to be established in [redacted] (attached) includes safeguards to protect records of interest to investigating committees, including the HSCA. We propose that the notice be published now, in order to inform Agency employees of our "post-moratorium" destruction policy and to get on with the proper review, screening, and documentation of our records. We also propose that a copy of the notice be sent to the HSCA along with one representative records schedule; the remaining records schedules will be forwarded 1 April. The transmittal letter (attached) states that we will implement the approved records disposals beginning 1 May 1978. This letter will update our commitments of 9 December 1976 and establish our intent to comply with mandatory records disposal requirements.

3. Staff Position: The Offices of Legislative Counsel and General Counsel agree with the substance of this memorandum.

4. Recommendations:

a. That you sign the attached [redacted] CIA Records Destruction Policy.

b. That you sign the attached letter to the House Select Committee on Assassinations.

/s/ John F. Blake

John F. Blake

Attachments:

As Approved For Release 2004/06/14 : CIA-RDP81M00980R000100010072-1

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Distribution:

Original - Addressee (return attachment

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STAT

ORIGINATED BY:

C/ISAS

DATE